



General Assembly

January Session, 2009

Amendment

LCO No. 6334

SB0109106334SR0

Offered by:
SEN. BOUCHER, 26th Dist.

To: Subst. Senate Bill No. 1091

File No. 698

Cal. No. 498

**"AN ACT CONCERNING COMPLAINTS PENDING IN THE
DEPARTMENT OF PUBLIC HEALTH AGAINST PHYSICIANS AND
OTHER HEALTH CARE PROVIDERS."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2009*) (a) For the purposes of
4 this section:

5 (1) "Licensed health care provider" means any health care institution
6 licensed pursuant to the provisions of chapter 368v of the general
7 statutes or any individual provider of health care licensed pursuant to
8 the provisions of chapters 370 to 373, inclusive, or 375 to 383c,
9 inclusive, of the general statutes or a pharmacist or other person
10 licensed pursuant to chapter 400j of the general statutes; and

11 (2) "Health care services" means acts of diagnosis, treatment,
12 medical evaluation or advice or such other acts as may be permissible
13 under the health care licensing statutes of this state.

14 (b) In any action to recover damages resulting from personal injury
15 or wrongful death, whether in tort or contract, in which it is alleged
16 that such injury or death resulted from the professional negligence of a
17 licensed health care provider in the provision of health care services,
18 the court shall award costs and attorneys' fees to the prevailing party.

19 Sec. 502. Subsection (c) of section 52-192a of the general statutes is
20 repealed and the following is substituted in lieu thereof (*Effective*
21 *October 1, 2009*):

22 (c) After trial the court shall examine the record to determine
23 whether the plaintiff made an offer of compromise which the
24 defendant failed to accept. If the court ascertains from the record that
25 the plaintiff has recovered an amount equal to or greater than the sum
26 certain specified in the plaintiff's offer of compromise, the court shall
27 add to the amount so recovered eight per cent annual interest on said
28 amount, except in the case of a counterclaim plaintiff under section 8-
29 132, the court shall add to the amount so recovered eight per cent
30 annual interest on the difference between the amount so recovered and
31 the sum certain specified in the counterclaim plaintiff's offer of
32 compromise. The interest shall be computed from the date the
33 complaint in the civil action or application under section 8-132 was
34 filed with the court if the offer of compromise was filed not later than
35 eighteen months from the filing of such complaint or application. If
36 such offer was filed later than eighteen months from the date of filing
37 of the complaint or application, the interest shall be computed from the
38 date the offer of compromise was filed. [The court may award
39 reasonable attorney's fees in an amount not to exceed three hundred
40 fifty dollars, and shall render judgment accordingly. This section shall
41 not be interpreted to abrogate the contractual rights of any party
42 concerning the recovery of attorney's fees in accordance with the
43 provisions of any written contract between the parties to the action.]"